

## UNITED STATES DISTRICT COURT

for the

Western District of Arkansas

|   |                                   |
|---|-----------------------------------|
| United States of America                          | )                                 |
| v.  | )                                 |
| Clarence Edward Frazier                           | ) Case No: <u>5:02CR50040-001</u> |
| Date of Previous Judgment: <u>04/01/2003</u>      | ) USM No: <u>06362-010</u>        |
| (Use Date of Last Amended Judgment if Applicable) | ) <u>James B. Pierce</u>          |
|   | ) Defendant's Attorney            |

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months months is reduced to 70 months\*

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

|                            |                                |                            |                               |
|----------------------------|--------------------------------|----------------------------|-------------------------------|
| Previous Offense Level:    | <u>26</u>                      | Amended Offense Level:     | <u>24</u>                     |
| Criminal History Category: | <u>V</u>                       | Criminal History Category: | <u>V</u>                      |
| Previous Guideline Range:  | <u>84</u> to <u>105</u> months | Amended Guideline Range:   | <u>70</u> to <u>87</u> months |

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

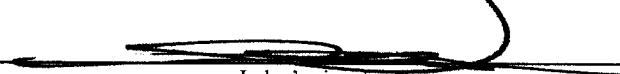
**III. ADDITIONAL COMMENTS**

\*If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as provided above, all provisions of the judgment dated 04/01/2003 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 16, 2008



Judge's signature

Effective Date: \_\_\_\_\_  
 (if different from order date) APR 16 2008 U.S. DISTRICT COURT  
 WESTERN DISTRICT ARKANSAS Jimmie Larry Hendren, Chief U.S. District Judge

Printed name and title

APR 16 2008  
 CHRIST R. JOHNSON, CLERK  
 BY Jimmie L. Hendren  
 DEPUTY CLERK